REMARKS

Reconsideration and allowance of the above-referenced application are respectfully requested. Claims 2, 5-6 and 14 are amended. Claims 1-19 are pending in the application.

It is respectfully requested that the Examiner correct the claim numbering on the next communication from the Patent Office to specify that claims 1-**19** are pending in the application, not claims 1-17.

It is further respectfully requested that the Examiner supply a form PTO-892 that cites the applied reference, U.S. Patent No. 7,012,919 to So et al.

A copy of a form PTO-892 (part of Paper No. 20050109) is attached, as it appears this form PTO-892 is not in the USPTO Image File Wrapper.

Claims 18 and 19 were not rejected, hence, it is presumed these claims recite allowable subject matter. The indication of allowable subject matter in claims 2-11 is acknowledged with appreciation. It is believed these claims are allowable in view of the foregoing.

The allowance of claims 12-17 is acknowledged with appreciation.

Claims 2, 5-6 and 14 are amended such that the recital of "one of [A] and [B]" has been replaced with the recital of "one of [A] *or* [B]" to ensure the claims are accurately interpreted that either A *or* B should be used, as opposed to the improper interpretation that *both* A *and* B must be used, as suggested by recent Federal Circuit decisions.[1]

Use of the term "or" has been deemed acceptable under 35 USC §112, second paragraph. *See* MPEP 2173.05(h)II. at 2100-222 (Rev. 3, Aug. 2005) (*citing In re Gaubert*, 524 F.2d 1222, 187 USPQ 664 (CCPA 1975)).

Claim 1 stands rejected under 35 USC §103 in view of U.S. Patent No. 7,012,919 to So et al. and U.S. Patent No. 6,751,662 to Natarajan et al. This rejection is respectfully traversed.

At the outset, this rejection is legally improper because So et al. has a filing date

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[1]*See Superguide Corp v. DirecTV Enterprises, Inc.*, 358 F.3d 870, 886-87 (Fed. Cir. 2004).

of December 8, 2000, which is after the May 23, 2000 filing date of the subject application. Even though So et al. is a *continuation-in-part* of issued U.S. Patent No. 6,574,195, the rejection fails to demonstrate that the features relied upon in So et al. were supported by the parent application 09/552,278, having issued as U.S. Patent No. 6,574,195 to Roberts.

An Information Disclosure Statement is concurrently submitted to ensure consideration of the parent patent 6,574,195.

Regardless of whether the teachings relied upon in So et al. can claim an earlier effective filing date, the rejection is legally deficient because it fails to address the claimed feature of the ***integrated network switch*** receiving the data frame and prioritizing switching of the data frame to an output port. For this reason alone the §103 rejection must be withdrawn because it fails to address each and every claim limitation.[2]

Moreover, it is noted that So et al. fails to disclose or suggest an *integrated network switch*, as claimed. To the contrary, So et al. discloses in Figs. 4A, 4B, 4D that the core label switch includes **line cards** (e.g., ingress line card 405 of Fig. 4A, egress line card 407) that are **distinct** from the switch core 430. Further, col. 14, lines 47-55 specify:

> The ingress line card 410 (e.g., line card 410A) is responsible for receiving data packets from the trunk line. **In addition, the ingress line card 410 determines the QoS characteristics as well as the internal path from the ingress line card 410 (e.g., line card 410A) to the egress line card 410 (e.g., line card 410C) for each micro-flow**. Further, the ingress line card 410 forwards data packets across the fabric of the switch core 430 based upon the determined QoS information.

For these and other reasons, the §103 rejection should be withdrawn, because the rejection fails to demonstrate that all the claim limitations are be taught or suggested by the prior art.

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[2]It is well settled that each and every claim limitation must be considered. As specified in MPEP §2143.03, entitled "**All Claim Limitations Must Be Taught or Suggested**": "To establish prima facie obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art. *In re Royka*, 490 F.2d 981, 180 USPQ 580 (CCPA 1974). 'All words in a claim must be considered in judging the patentability of that claim against the prior art.' *In re Wilson*, 424 F.2d 1382, 1385, 165 USPQ 494, 496 (CCPA 1970)." MPEP §2143.03 at 2100-139 (Rev. 3, Aug. 2005).

The indication of allowable subject matter in claims 2-11 is acknowledged with appreciation: it is believed these claims are allowable in view of the foregoing. The allowance of claims 12-17 is acknowledged with appreciation.

In view of the above, it is believed this application is in condition for allowance, and such a Notice is respectfully solicited.

To the extent necessary, Applicant petitions for an extension of time under 37 C.F.R. 1.136. Please charge any shortage in fees due in connection with the filing of this paper, including any missing or insufficient fees under 37 C.F.R. 1.17(a), to Deposit Account No. 50-0687, under Order No. 95-311, and please credit any excess fees to such deposit account.

Respectfully submitted,

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Reg. No.: 34,035

Customer No. 20736
Date: July 12, 2007

Notice of References Cited

Application/Control No.	Applicant(s)/Patent Under Reexamination	
~~09/567,021~~ 09/576,021	LANDRY ET AL.	
Examiner	Art Unit	Page 1 of 1
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U.S. PATENT DOCUMENTS

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Name	Classification
	A	US-6,647,428	11-2003	Bannai et al.	709/245
	B	US-5,732,082	03-1998	Wartski et al.	370/395.6
	C	US-6,665,302	12-2003	Lee, Kenny Ying Theeng	370/395.42
	D	US-			
	E	US-			
	F	US-			
	G	US-			
	H	US-			
	I	US-			
	J	US-			
	K	US-			
	L	US-			
	M	US-			

FOREIGN PATENT DOCUMENTS

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Country	Name	Classification
	N					
	O					
	P					
	Q					
	R					
	S					
	T					

NON-PATENT DOCUMENTS

*		Include as applicable: Author, Title Date, Publisher, Edition or Volume, Pertinent Pages)
	U	
	V	
	W	
	X	

*A copy of this reference is not being furnished with this Office action. (See MPEP § 707.05(a).)
Dates in MM-YYYY format are publication dates. Classifications may be US or foreign.